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**BEFORE THE TENNESSEE STATE BOARD OF EDUCATION**

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IN RE: ) State Board of Education Meeting  
CITY UNIVERSITY SCHOOL BOYS PREPARATORY ) February 8, 2019  
Charter School Appeal )  
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**FINDINGS AND RECOMMENDATION REPORT  
OF THE EXECUTIVE DIRECTOR**

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Pursuant to Tennessee Code Annotated (T.C.A.) § 49-13-122, a charter school that is denied renewal by the chartering authority may appeal the non-renewal to the State Board of Education (State Board). On December 14, 2018, City University School Boys Preparatory (City University Boys) appealed the non-renewal of its charter agreement by Shelby County Schools (SCS) Board of Education to the State Board.

Based on the following procedural history, findings of fact, and Review Committee Report attached hereto, I believe that the decision to deny renewal of the City University Boys charter agreement was not contrary to T.C.A. § 49-13-122.<sup>1</sup> Therefore, I recommend that the State Board affirm the decision of SCS to deny the renewal of City University Boys charter agreement.

**STANDARD OF REVIEW**

Pursuant to T.C.A. § 49-13-122 and State Board policy 6.800, State Board staff and an independent charter application review committee (Review Committee) conducted a de novo, on the record review of the SCS decision not to renew, including City University Boys renewal application and full record presented upon appeal. Pursuant to State Board policy 6.800, the Review Committee is required to conduct a capacity interview with the governing board and school leadership of City University Boys. Finally, the State Board is required to hold a public hearing in the district where City University Boys has been operating.<sup>2</sup>

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<sup>1</sup> T.C.A. § 49-13-122(f).

<sup>2</sup> Ibid.

In order to overturn the decision of the local board of education, the State Board must find that the local board's decision to deny renewal of City University Boys charter agreement was contrary to T.C.A. § 49-13-122, which states:

- (b) A public charter school agreement may be revoked at any time or not renewed by the final chartering authority if the chartering authority determines that the school:
- (1) Committed a material violation of any conditions, standards, or procedures set forth in the charter agreement;
  - (2) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement; or
  - (3) Failed to meet generally accepted standards of fiscal management.<sup>3</sup>

Because City University Boys is located in a school district that contains a school on the current or last preceding priority school list, the State Board has the ability to approve the renewal, and thereby authorize the school, or to affirm the local board's decision to deny.<sup>4</sup>

#### **PROCEDURAL HISTORY**

1. On December 18, 2008, the Memphis City Schools Board of Education voted to approve the charter application for City University Boys.
2. On July 1, 2009, City University Boys entered into a charter agreement with Memphis City Schools Board of Education, with a charter term of ten academic years. Thereafter, Memphis City Schools and SCS underwent a merger, and City University Boys was notified that the newly constituted SCS assumed all rights of Memphis City Schools under the charter agreement.
3. On March 29, 2017, the SCS Director of Charter Schools sent a letter to Tracie Greer, Campus President of City University Boys and City University School of Liberal Arts outlining the deadline to submit the charter renewal application, summarizing how SCS will evaluate the school's performance for renewal, and providing a link to the school's annual report per T.C.A. § 49-13-121.
4. On February 8, 2018, the SCS Office of Charter Schools notified City University Boys that an informational webinar on the renewal process would be held on March 2, 2018.
5. At the March 2, 2018 webinar, the SCS Office of Charter Schools notified schools that in order to be recommended for renewal, a school would be required to receive a score of 3.0 above on each of the core component scorecards (Academics, Operations, and Finance).

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<sup>3</sup> T.C.A. § 49-13-122(b).

<sup>4</sup> T.C.A. § 49-13-121(b)(2)

6. On April 2, 2018, City University Boys submitted its renewal application to SCS.
7. On August 24, 2018, the SCS Office of Charter Schools provided City University Boys with performance data on the academic, operational, and financial scorecards, along with an opportunity to submit a grievance regarding the data provided. Additional data was sent via e-mail on August 30, 2018 along with an extended grievance window.
8. SCS assembled a committee to review the City University Boys renewal application and conduct a site visit.
9. On October 3, 2018, the SCS committee conducted a site visit at City University Boys and produced a corresponding Site Visit Report dated October 29, 2018.
10. City University Boys submitted grievances to the site visit report to the SCS Charter School Office.
11. On November 12, 2018, City University Boys submitted grievances regarding the performance data provided by SCS Office of Charter Schools.
12. On November 16, 2018, the SCS Office of Charter Schools shared the renewal report and accompanying documents with City University Boys.
13. On December 2, 2018, based on the SCS Office of Charter School's recommendation, the SCS Board of Education voted to deny the renewal of City University Boys charter agreement.
14. City University Boys appealed the non-renewal of its charter agreement in writing to the State Board on December 14, 2018.
15. The State Board's Review Committee analyzed and scored the City University Boys renewal application and full renewal record using the State Board's Charter School Renewal Evaluation Ratings and Scoring Criteria (scoring rubric).
16. The State Board's Review Committee conducted a capacity interview with the governing board of City University Boys and key members of the leadership team on January 23, 2019 in Memphis.
17. On January 24, 2019, the State Board staff held a public hearing in Memphis. At the public hearing, the Executive Director, sitting as the State Board's designee, heard presentations from City University Boys and SCS and took public comment.
18. After the capacity interview, the Review Committee determined a final consensus rating of the renewal application and renewal record, which served as the basis for the Review Committee Recommendation Report.

## FINDINGS OF FACT

- **District Denial of Application.**

City University Boys submitted their renewal application on April 2, 2018. SCS assembled a team to review the renewal application submitted by City University Boys and participate in a renewal site visit. This team consisted of the following individuals:

Name	Title
William Haft	President and Managing Partner, Tandem Learning Partners
Jarita Mitchell	Assistant Superintendent of Schools, Shelby County Schools
Daphne Robinson	Director of Charter Schools, Shelby County Schools
Gwendolyn Williams	Office of Strategy and Innovation, Shelby County Schools

After review of the renewal application and completion of the site visit, the SCS team produced a site visit report dated October 29, 2018. City University Boys was given the opportunity to submit grievances to the site visit report, which they did. This site visit report did not include a recommendation regarding renewal or non-renewal, but referenced that the renewal decision would be “based on [an] assessment of the school’s cumulative record of performance over the current charter term.”<sup>5</sup> A final renewal report was issued by the SCS Office of Charter Schools, dated November 8, 2018, concluding that “There is a lack of evidence that suggests that City University Boys Preparatory could close the achievement gap and move students to higher levels of proficiency if granted a second charter term.”<sup>6</sup>

The recommendation of the SCS Office of Charter Schools not to renew the charter agreement for City University Boys was presented to the SCS Board of Education on December 2, 2018. The presentation highlighted City University Boys’ performance on the School Performance Scorecard from 2010-2018, including overall academic score averages of 3.00 in 2010-2012, 2.59 in 2013-2015, and 2.44 in 2016-2018.<sup>7</sup> The presentation compared the academic achievement goals from City University Boys initial charter application to the percentage of students scoring at or above grade level on state tests. Academic goals were noted as: To allow at least 80% of our scholars to achieve proficiency on state and national standardized tests, and to develop reading skills to allow at least 75% of our scholars to read at or above grade level. However, achievement scores in English Language Arts, Math, Science, and Social Studies reflected that the school had made little progress toward these goals over the course of their charter term. The presentation also outlined the school’s history of appearing on the Cusp List<sup>8</sup> in 2013, 2015, and 2017, and the Priority List<sup>9</sup> in 2014.

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<sup>5</sup> Shelby County Schools Charter School Renewal Site Visit Report, p.3.

<sup>6</sup> Shelby County Schools City University Boys Final Renewal Report, p. 28.

<sup>7</sup> SCS November 2018 Charter Renewal PowerPoint Presentation, pg. 8.

<sup>8</sup> The Cusp List includes the bottom 10% of schools in the state.

<sup>9</sup> The Priority List includes the bottom 5% of schools in the state.

- **State Board Charter Application Review Committee's Evaluation of the Application**

Following the denial of the City University Boys renewal and their subsequent appeal to the State Board, State Board staff assembled a diverse Review Committee of experts to evaluate and score the City University Boys renewal application and renewal record. This Review Committee consisted of the following individuals:

Name	Title
Ali Gaffey	Deputy Director of Charter Schools, State Board of Education, Nashville, TN
Nick Getschman	Executive Director, Veritas College Preparatory Charter School, Memphis, TN
Tess Stovall	Director of Charter Schools, State Board of Education, Nashville, TN
Brett Turner	Director of Policy and Research, Tennessee State Collaborative on Reforming Education (SCORE), Nashville, TN
Teneicesia White	Principal, Aurora Collegiate Academy, Memphis, TN

The Review Committee conducted an initial review and scoring of the City University Boys renewal application and renewal record, a capacity interview with the governing board and school leadership, and a final evaluation and scoring of the renewal application and record resulting in a consensus rating for each major section. In accordance with the State Board's renewal scoring rubric, in order to "overturn a local district's decision not to renew a charter agreement, the State Board must find that the local district's decision was contrary to T.C.A. § 49-13-122."<sup>10</sup> The scoring rubric set forth specific criteria that defines the expectations to "Meet or Exceed Standard" regarding the school's academic success, operational stability, financial health, and future planning. The Review Committee's consensus rating was as follows:

Sections	Rating
Academic Success	Partially Meets Standard
Operational Stability	Partially Meets Standard
Financial Health	Meets or Exceeds Standard
Future Planning	Does Not Meet Standard

The Review Committee recommended that the State Board uphold the non-renewal of City University Boys because the school failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement, a proper ground for non-renewal pursuant to T.C.A. § 49-13-122. As evidenced by the renewal record, the review committee found that City University Boys' academic outcomes over the course of their charter term do not put them in a position to be approved for renewal. Throughout the school's first charter term, City University Boys showed minimal growth on TNReady assessments, on SCS's school performance framework, and in their Tennessee Value Added Assessment System (TVAAS) scores. In addition, the school failed to provide evidence that they use data effectively in analyzing and evaluating their academic program.

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<sup>10</sup> Tennessee State Board of Education Charter School Renewal Evaluation Ratings and Scoring Criteria, pg. 1.

Moreover, in an evaluation of City University Boys' operational stability, the review committee cited evidence of the school's under-enrollment throughout its charter term. While the school has shown small growth in enrollment for the 2018-19 school year, the review committee did not find sufficient evidence that the school will meet and maintain its enrollment targets if granted a new charter term.

The Review Committee found the financial health of the school met or exceeded the standard because the school has maintained clear financial audits and was able to provide evidence of a strong financial operation overall.

Finally, the Review Committee found the future plans for the school did not meet the standard because of a lack of rigorous and specific academic goals. Additionally, the Review Committee did not find evidence of how the school would track and measure progress toward its goals and, therefore, was unable to determine if the school's future plans were realistic or attainable.

In summary, the Review Committee determined that City University Boys did not provide sufficient evidence to meet the required rubric ratings for renewal. The capacity interview with the school did not provide further clarification that would have resulted in a higher rating. Therefore, the Review Committee recommended that the City University Boys non-renewal be upheld.

For additional information regarding the Review Committee's evaluation of the renewal application and full renewal record, please see **Exhibit A** for the complete Review Committee Report, which is fully incorporated herein by reference.

- **Public Hearing**

Pursuant to statute<sup>11</sup> and State Board policy 6.800, a public hearing chaired by the Executive Director<sup>12</sup> was held in Memphis on January 24, 2019. SCS's presentation at the public hearing focused on the minimal academic progress made by the school over the course of its charter term as the primary reason why the school was recommended for non-renewal. Specifically, SCS noted City University Boys' performance on the academic section of the school performance scorecard. City University Boys academic scores fell within the fair range of performance with an overall score of 2.44 out of 5.00 for the most recent years 2016-2018, and 2.59 in 2013-2015. It was highlighted that City University Boys academic scorecard scores peaked in 2010-2012 with an overall score of 3.25 out of 5.00, but since that time period, the school's scores had dropped. Additionally, SCS highlighted that the school had fallen well short of the two academic goals it outlined in the charter application when analyzing City University Boys state assessment data. Finally, the SCS presentation outlined the City University Boys' history of appearing on the Cusp List in 2013, 2015, and 2017, and the Priority List in 2014. A copy of the SCS presentation outlining the performance of City University Boys is attached as **Exhibit B**.

In response, City University Boys highlighted several legal and contractual issues regarding the SCS renewal process. They argued that they were unfairly denied services that they were entitled to from SCS pursuant to the charter agreement that provided for a three percent administrative fee. As a result

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<sup>11</sup> T.C.A. § 49-13-122(f).

<sup>12</sup> The State Board selected the Executive Director as their designee for the public hearing.

of the denial of these services (e.g. access to Discovery Education and Tableau), City University Boys felt that their scholar's performance suffered. In addition, the school argued that a March 29, 2017 letter from the SCS Charter Schools Office did not include any information on the renewal process or criteria and did not meet the requirements of T.C.A. § 49-13-121 requiring a performance overview. City University Boys also took issue with what they deemed were changing criteria for renewal. As evidence of this, City University Boys pointed to a November 2017 webinar for another network school (City University Girls Preparatory Charter School) regarding the five year interim review. In this webinar, the SCS Charter Schools Office stated that schools would receive an overall rating on the three core components (academic, operations, and finance) to determine whether a school will be deemed "on track for renewal" as required by the interim review process. City University Boys complained that this information changed in January 2018 when it was communicated that the individual score on each core component would have to be 3.0 or above to be considered on track for renewal. City University Boys also highlighted in their presentation at the hearing that after being placed on the Tennessee Department of Education's Priority School List in 2014, they were able to move off of the list in 2015 due to their one year success rate. Finally, the school took issue with the validity of state test data from 2017 due to technical and logistical errors, although an appeal to the Tennessee Department of Education was ultimately unsuccessful.

In response to questions regarding their minimal academic progress, City University Boys maintained that they have met the minimum standards for continuation; presenting a recalculated version of all components of their SCS scorecard scores, arguing that the goals within their charter application were no longer applicable, and that through NWEA MAP data they were able to show that scholars were making academic progress, scoring in the 60<sup>th</sup> and 70<sup>th</sup> percentile ranges.

A portion of the public hearing was dedicated to taking public comment. A total of four people made verbal comments in support of City University Boys at the hearing, including one parent, and three former students. In addition, the State Board received numerous written public comments in support of City University Boys via email, many from current students.

- **Alignment of Shelby County Schools' Application Process to State Board Quality Authorizing Standards**

Detailed information regarding SCS's renewal process was collected and analyzed by State Board staff to determine alignment with State Board Quality Authorizing Standards as set forth in State Board policy 6.111. SCS articulated that its renewal process is guided by State Board Quality Authorizing Standards, specifically Standard 5 which states: "A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests."<sup>13</sup>

As evidence of this, SCS pointed to the involvement of the National Association of Charter School Authorizers (NACSA) in the development of their pending renewal policy, which was applied in this renewal cycle. They noted that upon receipt of charter renewal applications in April 2018, charter schools

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<sup>13</sup> State Board Policy 6.111 -- Quality Authorizing Standards, pg. 12.

were invited to participate in a webinar that provided an overview of the renewal process and provided schools with multiple grievance windows for all outputs of the process, including data review and the site visit and final renewal reports.

While it is clear that SCS has made progress toward a strong renewal process with the help of NACSA, the process applied to City University Boys missed the mark when it came to Quality Authorizing Standard 5(d) which states “A quality authorizer . . . clearly communicates to schools the criteria for charter revocation, renewal, and non-renewal decisions that are consistent with the charter agreement, including any policy changes thereto.”<sup>14</sup> While there was clear communication regarding the renewal criteria and renewal process beginning in March 2018, this came merely a month before schools were required to submit their renewal application in April 2018. City University Boys complained that the standard for renewal was never made clear to them during their charter term, and changed from what was communicated to its sister school City University Girls regarding renewal criteria as part of the girls school five year interim review. In order to work toward better alignment with the Quality Authorizing Standards, SCS should ensure that it is clearly communicating with schools throughout the charter term regarding criteria for renewal, so that schools are able to act on that information to improve performance well in advance of any renewal decision.

## ANALYSIS

State law requires the State Board to review the renewal decision of the local board of education and determine whether the decision to deny renewal of the charter agreement was contrary to T.C.A. § 49-13-122. In making my recommendation to the Board, I have considered the Review Committee Report, the documentation submitted by both City University Boys and SCS, the arguments made by both the school and SCS at the public hearing, and the public comments received by State Board staff and conclude as follows:

The Review Committee’s report and recommendations are thorough, grounded in the State Board’s standard of review, cite specific examples in the renewal record and reference information gained at the capacity interview in support of its findings. For the reasons explicated in the report, I agree that the City University Boys renewal application and documents contained in the renewal record did not rise to the level of meeting or exceeding the standards required for renewal. Additionally, based on the information presented in the Review Committee Report and at the Public Hearing, I cannot find evidence that SCS’s decision to deny renewal of City University Boys charter agreement was contrary to T.C.A. § 49-13-122.

Given the great responsibility of educating students and the amount of public funds entrusted to a charter school that is approved by a local district, the State Board expects that only those schools that have achieved or made sufficient progress toward the standards and targets stated in the charter agreement, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law will be granted renewal.<sup>15</sup> It is readily apparent that City University Boys has a

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

dedicated board and staff, sincere commitment to the community they currently serve, and has created a safe and welcoming environment for its students. However, as required by T.C.A. § 49-13-122, the school has been unable to demonstrate sufficient progress toward its academic goals set forth in the charter application and agreement over the course of its ten-year charter term.<sup>16</sup> Academic achievement goals listed in City University Boys charter school application are: “To increase performance in academic areas as indicated on state and national standardized tests as to allow at least 80% of our scholars to achieve proficiency” and “To develop reading skills to allow at least 75% of our scholars to read at or above grade level.”<sup>17</sup> In recent years, the school has operated in the bottom 10% of schools in the state and was placed on the Tennessee Department of Education’s Priority School List in the 2014 academic year. As evidenced by data provided in **Exhibit B**, the school’s achievement on state standardized tests has fallen far short of the goals they set for themselves in their charter application. Additionally, the school’s achievement scores on the SCS academic performance scorecard have lagged behind the district. The school has also failed to show sufficient progress in its growth data, as measured by TVAAS. Throughout the first three years of operation, City University Boys earned a TVAAS Level 4 composite average for growth, but since 2013 has seen a decline, earning most recently a TVAAS Level 2 in 2018. While I understand and sympathize with the school’s grievances regarding testing challenges experienced in 2017, their appeal to the Tennessee Department of Education was not successful. Additionally, despite these challenges in school year 2016-17, low academic achievement on state tests has persisted throughout the charter term. When asked to provide additional evidence that they were making sufficient academic progress toward their performance goals, City University Boys shared that 60% of their scholars are performing within the 60<sup>th</sup> and 70<sup>th</sup> percentile in MAP for ELA and Math, but did not provide any quantitative evidence to support this assertion. Raw student data from Fall 2018 was provided by City University Boys; however, when analyzed by State Board staff, the data did not support this assertion.

During the appeal process, City University Boys raised a number of other arguments regarding the actions of SCS. Specifically, they argued that the letter sent by the SCS Charter School Office on March 29, 2017 did not comply with the requirements of T.C.A. § 49-13-121(e), as it did not provide a performance report that directly reflected the renewal evaluation. If the letter did not comply with the law, the school argues that the denial of renewal was improper. City University Boys also argued that SCS’s failure to provide access to “VIP services” pursuant to their charter agreement was a breach of the agreement. As the State Board’s standard of review is limited to whether or not the decision of the local board of education was contrary to of T.C.A. § 49-13-122, these arguments are outside the State Board’s authority on appeal.

Therefore, based upon the history of low academic performance over the course of the charter term and failure to meet or make sufficient progress toward the school’s academic goals set forth in the charter agreement, I cannot find that SCS’s decision to deny renewal of City University Boys charter agreement was contrary to T.C.A. § 49-13-122. While City University Boys has made commendable effort to correct course in recent years, including partnering with a high performing charter school and creating

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<sup>16</sup> The charter application is incorporated by reference in the City University Boys Charter Agreement, pg.4.

<sup>17</sup> City University Boys Charter Application, p. 6; The charter application is incorporated by reference in the City University Boys Charter Agreement, pg.4.

a Continued Success Action Plan for 2017-18, the need for these changes should have been recognized years ago, well ahead of a pending nonrenewal decision. While it is clear that the school has experienced its share of challenges during the charter term, the basis of charter school authorization is autonomy in exchange for accountability. Holding schools to that accountability bar upon renewal is a critical duty of authorizers and maintaining high standards is one of the State Board's three Quality Charter Authorizing Principles.<sup>18</sup> As such, I cannot find that the academic performance of the school merits renewal for another ten-year charter term.

### **CONCLUSION**

For these reasons, and for the reasons stated in the Review Committee Report attached hereto, I do not believe that the decision to deny renewal of City University Boys was contrary to T.C.A. § 49-13-122. Therefore, I recommend that the State Board affirm the decision of SCS to deny the renewal of City University Boys.



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Dr. Sara Heyburn Morrison, Executive Director  
State Board of Education

2/5/2019

Date

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<sup>18</sup> State Board Policy 6.111 -- Quality Authorizing Standards, pg. 1.



## EXHIBIT A

### **Charter Renewal Appeal Review Committee Recommendation Report**

**January 29, 2019**

School Name: City University School Boys Preparatory

Sponsor: The Influence1 Foundation

Chartering Authority: Shelby County Schools

Evaluation Team:

Ali Gaffey  
Nick Getschman  
Tess Stovall  
Brett Turner  
Teneicesia White



This recommendation report is based on a template from the National Association of Charter School Authorizers.



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## Introduction

Tennessee Code Annotated (T.C.A.) § 49-13-122 allows a charter school to appeal a chartering authority's decision to deny renewal of a charter agreement to the State Board of Education (State Board). In accordance with T.C.A. § 49-13-122, the State Board of Education shall conduct a de novo, on the record review of the chartering authority's decision. In order to overturn a chartering authority's decision to not to renew a charter agreement, the State Board must find that such decision was contrary to T.C.A. § 49-13-122.

The State Board's charter school renewal appeal process is outlined in State Board policy 6.800 – Charter School Renewal and aligned to the criteria set forth in T.C.A. § 49-13-122. The State Board assembled a charter renewal review committee comprised of highly qualified internal and external evaluators with relevant and diverse expertise to evaluate the renewal record and interview the operator. The State Board provided training to all review committee members to ensure consistent standards and fair treatment of all.

The State Board's appeal process is aligned to the high standards set forth in State Board policy 6.111 – Quality Charter Authorizing Standards and in accordance with T.C.A. § 49-13-108. These standards ensure the well-being and interests of students are the fundamental values informing all State Board actions and decisions. The State Board publishes clear timelines and expectations for applicants, engages highly competent teams of internal and external evaluators to review all applications, and maintains rigorous criteria for the renewal of a charter school. Annually, the State Board evaluates its work to ensure alignment with national and state standards for quality authorizing and implements improvement when necessary.

## Overview of the Evaluation Process

The State Board's charter renewal review committee developed this recommendation report based on three key stages of review:

1. **Evaluation of the Record:** The review committee independently reviewed the charter school's renewal application, the charter school's annual reports, the local board of education's performance reports for the charter school, the local board of education's annual reports, the local board of education's site visit report and any grievances submitted by the charter school regarding the site visit report's findings, and correspondence from the local school board to the governing body regarding the status of the school during the term of the charter. After an independent review, the review committee collectively identified the main strengths and weaknesses as well as developed specific questions for the operator based on the renewal record.
2. **Capacity Interview:** Based on the independent and collective review of the record, the review committee conducted a 90-minute in-person interview with the operator, members of the governing board, and the school leaders to address the weaknesses and questions identified in the record, and to assess if the school's academic outcomes, operational condition, financial condition, and goals for the next charter term merit renewal.
3. **Consensus Judgment:** At the conclusion of the record review and the capacity interview, the committee submitted a final evaluation rubric and developed a consensus regarding a rating for each section of the application.



This recommendation report includes the following information:

1. Summary of the school: A brief description of the charter school including its plans for future goals and achievement in a new charter term.
2. Summary of the recommendation: A brief summary of the overall recommendation for the renewal record.
3. Analysis of each section of the renewal evaluation rubric: An analysis of the four sections of the evaluation rubric.
  - a. Academic Success: school mission and academic program design; progress toward academic goals; academic achievement and growth results; performance on the local board's annual performance evaluation; use of data to inform academic practice; progress toward closing achievement gaps for all students; demonstrating successful outcomes for diverse learners; and any notices of concern or other interventions from the local board of education.
  - b. Operational Stability: progress toward operational goals; performance on the local board's annual performance evaluation; capacity and student attrition; parent and student satisfaction and community support; capacity of governing board and school leadership; facility; addressing social, emotional and health needs of students; teacher retention, professional development and personnel stability; and any notices of concern or other interventions from the local board of education.
  - c. Financial Health: school fiscal health; financial audits; performance on the local board's annual performance evaluation; alignment between expenditures and mission; fiscal challenges; and any notices of concern or other interventions from the local board of education.
  - d. Future Planning: future goals and plans for achievement; growth plans; alignment to current standings; and any address of deficits.

The State Board's charter renewal review committee utilized the State Board's Charter School Renewal Evaluation Ratings and Scoring Criteria (the rubric), to evaluate the renewal record. The rubric states:

A charter school should be renewed if it did not commit a material violation of its charter agreement, met or made sufficient progress toward the performance expectations in its charter agreement, and generally met the accepted standards of fiscal management.

The evaluators used the following criteria and guidance from the scoring rubric to rate the record:

Rating	Characteristics
Meets or Exceeds Standard	The record includes specific and accurate evidence that the school generally demonstrated success in meeting and upholding the terms of the charter agreement.



Partially Meets Standard	The record meets the criteria in some aspects but lacks sufficient evidence that the charter school is meeting the terms of the charter agreement in one or more areas.
Does Not Meet Standard	The record provides evidence that the charter school committed a violation of its charter agreement, failed to meet or make sufficient academic progress, and/or failed to meet generally accepted standards of fiscal management.



## Summary of the Charter School

School Name: City University School Boys Preparatory

Sponsor: The Influence1 Foundation

Chartering Authority: Shelby County Schools

Year Charter Awarded: 2009

Year Charter Expires: 2019

Mission:<sup>1</sup> City University School Boys Preparatory will prepare its students with the necessary skills to be twenty-first century scholars and citizens. As a secondary/college preparatory middle school with an emphasis on the (educational and communal) development of male scholars, City University Boys Prep will provide academically rigorous and socially enriching educational opportunities for its scholars. Upon graduation, these student scholars will be better prepared to enter secondary education as intellectually sophisticated citizens with vigor and learning.

Number of Schools Currently in Operation:

Memphis: Four (4)—City University School of Liberal Arts, City University School of Independence, City University School Boys Preparatory, City University School Girls Preparatory

Proposed Enrollment for Next 10-Year Term:<sup>2</sup>

<b>Year following renewal</b>	<b>Grade Levels</b>	<b>Total Student Enrollment</b>
<b>Year 1</b>	6-8	100
<b>Year 2</b>	6-8	150
<b>Year 3</b>	6-8	200
<b>Year 4</b>	6-8	250
<b>Year 5</b>	6-8	300
<b>Year 6</b>	6-8	350
<b>Year 7</b>	6-8	350
<b>Year 8</b>	6-8	350
<b>Year 9</b>	6-8	350
<b>Year 10</b>	6-8	350

Brief Description of the Charter School:

City University School Boys Preparatory (City University Boys) is a public charter school located in the Whitehaven neighborhood of Memphis, Tennessee. Founded in 2009, City University Boys serves 65 male students in grades 6 through 8.<sup>3</sup> The school is one of four City University schools, all of which co-

<sup>1</sup> Public Hearing 1/25/10 City University Boys PowerPoint Presentation, pg. 2.

<sup>2</sup> City University School Boys Preparatory Renewal Application, Applicant Information Cover Page.

<sup>3</sup> Ibid, Application Narrative.



locate on one campus. City University Boys is sponsored by a 501(c)3 non-profit corporation, The Influence1 Foundation. City University Boys is a college preparatory middle school which emphasizes “building better scholars and contributing citizens”.<sup>4</sup>

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<sup>4</sup> City University School Boys Preparatory Renewal Application, Application Narrative.



## Summary of the Evaluation

The review committee recommends that the State Board uphold Shelby County School's decision to not renew City University Boys for a second charter term because the school failed to meet or make sufficient progress toward the performance expectations set forth in the charter agreement. As evidenced by the renewal record, the charter school's academic outcomes over the course of their charter term do not put them in a position to be approved for renewal.

With a history of academic performance that lags behind the local school district, City University Boys' academic success does not provide sufficient evidence that the school should be renewed for a second ten-year term. Throughout the school's first charter term, City University Boys has shown minimal growth on the TNReady assessments, on Shelby County School's school performance framework, and in their Tennessee Value Added Assessment System (TVAAS) scores. In addition, the school failed to provide evidence that the school uses data effectively in analyzing and evaluating their academic program.

In an evaluation of City University Boys' operational stability, the review committee found evidence of the school's under-enrollment throughout its charter term. While the school has shown small growth in enrollment for the 2018-19 school year, the review committee did not find sufficient evidence that the school will meet and maintain its enrollment targets if granted a new charter term.

City University Boys' financial health is a strength for the organization; the school has maintained clear financial audits without findings throughout its history. Additionally, the operator acquired a new shared facility for each of its four schools and expects to complete payments on the \$3.6 loan within the next five years. The review committee found evidence of a strong financial operation for the charter school.

As the final piece within the charter school renewal application, City University Boys included a future planning document that laid out the performance expectations and action steps for a new charter term. Named the "Continued Success Action Plan", the document revealed academic goals that lacked rigor and specificity. The review committee did not find evidence of how the school would track and measure progress toward its goals and, therefore, was unable to determine if the school's future plans were realistic or attainable.

### Summary of Section Ratings

In accordance with the State Board's Charter School Renewal Evaluation Ratings and Scoring Criteria (scoring rubric), in order to "overturn a local district's decision not to renew a charter agreement, the State Board must find that the local district's decision was contrary to T.C.A. § 49-13-122".<sup>5</sup> The scoring rubric set forth specific criteria that defines the expectations to "Meet or Exceed Standard" regarding the school's academic success, operational stability, financial health, and future planning. The review committee's consensus ratings for each criteria within the renewal record are as follows:

Sections	Rating
Academic Success	Partially Meets Standard
Operational Stability	Partially Meets Standard
Financial Health	Meets or Exceeds Standard

<sup>5</sup> Tennessee State Board of Education Charter School Renewal Evaluation Ratings and Scoring Criteria, pg. 1.



Future Planning	Does Not Meet Standard
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## Analysis of the Academic Success

*Rating: Partially Meets Standard*

### **Weaknesses Identified by the Committee:**

City University Boys' Academic Success partially meets the standard for renewal because the school has not made sufficient progress toward its academic goals over the course of its 10-year charter term. In recent years, the school has operated in the bottom 10% of schools in the state and was placed on the Tennessee Department of Education's Priority School List in the 2014 academic year. The scoring rubric clearly states that a charter school must "demonstrate strong academic achievement and growth results" as measured by state assessments and TVAAS scores, must "consistently meet or exceed expectations on the local board's annual performance evaluation", and provide "sufficient evidence that the school uses data to evaluate the effectiveness of its academic program". While the school has experienced its share of challenges and, within the last two to three years, appears to be in the early stages of making changes that will support the school's academic program, the review committee did not find sufficient evidence to determine the academic outcomes of the school over the first charter term merit renewal of the charter.

According to both City University Boy's renewal application and Shelby County's performance scorecards, City University Boys' academic achievement data, as measured by Shelby County's school performance framework (SPF), lagged behind the district throughout the 2012-2015 academic years and again during the 2017 academic year. During the capacity interview, City University Boys stated that the SPF results were incorrect, issuing the committee a revised SPF scorecard encompassing the length of the charter term. Upon review of the revised SPF scorecard, the review committee found minimal differences between the new and original data in totality. There were no discrepancies within the achievement scores during any year of the charter term.

City University's SPF achievement scores have ranged between a 1.0 and a 2.5 out of 5 between the 2010 and 2018 academic years. The school's performance on state assessments in 2013 and 2014 contributed to low achievement scores on the SPF (1.00 and 1.67, respectively) and the school's appearance on the Priority School List in 2014. In 2015, the school rebounded with an increase in their academic achievement on the TNReady assessment. This increase in assessment scores resulted in a 3.67 SPF achievement overall and removed them from the Priority School List. However, since the 2015 results, City University has been on an academic decline, as outlined in Table 1.

**Table 1. City University Boys School Performance Framework for Achievement, 2010-2018<sup>6</sup>**

Assessment Year	SPF Achievement Score
2010	2.5*
2011	2.5*
2012	2.5*
2013	1.0
2014	1.67
2015	3.67
2016	Statewide Testing Halted

<sup>6</sup> Shelby County Schools' School Performance Framework Academic Scorecard



2017	2.33
2018	1.75

\*Three year average

In addition to the lagging SPF achievement data, the school has failed to show sufficient progress with its growth data, as measured by TVAAS. Throughout City University Boys' first three years of operation, the school earned a TVAAS Level 4 composite average for growth, but has since seen a decline between 2013 and 2018, most recently earning a TVAAS Level 2 in 2018 (Table 2). During the capacity interview, City University Boys cited several reasons for the lagging academic proficiency and student growth ranging from testing logistics issues during the 2017 school year, to a lack of contractually promised resources from the chartering authority between the 2013 and 2014 academic years.

**Table 2. City University Boys TVAAS Scores, 2010-2018<sup>7</sup>**

Assessment Year	TVAAS Level
2010	Level 4*
2011	Level 4*
2012	Level 4*
2013	Level 1
2014	Level 3
2015	Level 3
2016	Statewide Testing Halted
2017	Level 1
2018	Level 2

\*Three year average

Given the school's grievances regarding their TVAAS and SPF data, the review committee inquired about any additional measures of data to support the school's claim that they have made progress toward their performance goals. The leaders of City University Boys explained that within the last two to three years the school has initiated two new assessment initiatives: implementation of NWEA's Measures of Academic Progress (MAP) assessments and benchmark testing. They shared that 60% of their scholars are performing within the 60<sup>th</sup> and 70<sup>th</sup> percentile in MAP for ELA and Math, but did not provide any quantitative evidence to support this assertion. The operator detailed a newly founded partnership with a high performing local charter school which provides academic support and resources for City University Boys. However, no written agreement outlining the partnership was provided, and the operator stated there is no written agreement in place. The leaders further explained that one of the agreed upon services provided through the partnership is for the high performing charter school to review City University Boys' benchmark assessments, score their assessments, analyze their data, and provide City University Boys with specific recommendations for key areas in need of support.

As stated in the scoring rubric, a school must provide "sufficient evidence that the school uses data to evaluate the effectiveness of its academic program". However, the review committee did not find evidence of this within the renewal record. With City University Boys' decision to outsource all of its data analysis to another school, the fact that the school has only recently begun benchmark testing, a lack of

<sup>7</sup> Shelby County Schools' School Performance Framework Academic Scorecard



evidence beyond TNReady and TVAAS results to demonstrate sufficient progress, and the academic scores consistently lagging behind the local district throughout the charter term, the review committee did not find the evidence necessary across the school's academic outcomes to merit renewal of the charter.

**Strengths Identified by the Committee:**

While the school's Academic Success partially meets the standard of the scoring rubric because of the lack of sufficient evidence described above, the review committee did find evidence of strengths as well. Specifically, in recent years, the school's efforts to partner with a high performing local charter school, assess students on benchmark and nationally-normed assessments, and intentionally focus on evaluating, coaching, and supporting their teachers through the TEAM Model are positive changes. Additionally, the school's renewed efforts after being marked for closure as a result of the 2014 Priority School List is especially admirable as they were able to move off the Priority School List and earn the school's highest academic SPF scores to date in one year's time.



## **Analysis of the Operational Stability**

*Rating: Partially Meets Standard*

### **Weaknesses Identified by the Committee:**

City University Boys' Operational Stability partially meets the standard of the scoring rubric because of the school's historic under-enrollment and a lack of sufficient evidence in the school's capacity to meet its enrollment targets for a new charter term.

As stated in City University Boys' charter school renewal application, the school was originally approved for a maximum capacity of 350 students.<sup>8</sup> City University Boys opened its doors in 2009 with 52 students in its freshman class and had grown to 65 students across three grade levels by the 2017-18 school year.<sup>9</sup> When asked about the school's historic under-enrollment and the cascading impact a low student count can have on a school operationally, the school leaders cited multiple moves in location for the school and their Priority School List status as cause of the low enrollment. City University stated that the shared campus and staff across all four schools provides stability for City University Boys, shielding the school from the negative operational and financial impact of low enrollment. Additionally, the leaders explained that a new neighborhood canvassing plan is currently in use and has shown positive recruitment and enrollment results. According to the operators, the school's enrollment count for the 2018-19 academic year increased from 65 to 89 students as a result of these efforts.

While the committee found evidence of increased enrollment at the school during 2018-19 school year, they lacked substantial evidence that the school would have the capacity to meet its enrollment targets over the new charter term. A table provided within the renewal application, included on page 6 of this report, projects that the school will reach their proposed capacity of 350 students by its sixth year of the renewed charter term,<sup>10</sup> though a comprehensive recruitment plan beyond neighborhood canvassing was not presented. Moreover, Shelby County Schools' Site Visit Report cited a similar question regarding the school's ability to expand. Adding on to the lack of evidence in the school's capacity to meet enrollment targets, the site visit report also noted a lack of "instructional capacity for significantly increasing enrollment".<sup>11</sup> The school's historic under-enrollment and a lack of evidence that the school could meet its projected enrollment targets for a new charter term kept the review committee from being able to feel confident that the current operational stability warrants a renewed charter agreement.

### **Strengths Identified by the Committee:**

While the Operational Stability partially meets the standard because of the deficiencies described above, the review committee did find evidence of strengths within the shared leadership model across the schools to increase teacher support, and clearly defined roles and responsibilities of its leaders. City University Boys has made intentional efforts among the leadership team to norm on teacher evaluation processes and feedback and conducts frequent classroom walk-throughs. Additionally, the school leaders were able to clearly articulate the expectations of their roles and speak to the strengths within their area of focus within the schools.

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<sup>8</sup> City University School Boys Preparatory Renewal Application, Section II – Operational Stability

<sup>9</sup> Ibid, Application Narrative

<sup>10</sup> Ibid, Applicant Information Cover Page

<sup>11</sup> Charter School Renewal Site Visit Report, pg. 8.



## **Analysis of the Financial Health**

*Rating: Meets or Exceeds Standard*

### **Strengths Identified by the Committee:**

City University Boys' Financial Health meets or exceeds the standard because of the school's high scores on the local board of education's financial performance scorecard and an effective budgeting plan to make timely and complete payments for a large facility loan.

As presented in the renewal record, City University Boys has maintained strong financial health throughout its charter term. According to City University Boys' charter renewal application, the school has remained fiscally sound, receiving "clear audits, without findings" over the course of its charter term.<sup>12</sup> In addition, during the 2016-17 school year, Shelby County Schools scored City University Boys a 4.16 average out of 5 for its finance and audits, a contributing factor in the school's overall operations performance.<sup>13</sup> Shelby County Schools also included an itemized financial report for the school, outlining specific measures for the 2016 and 2017 fiscal years. Each of these fiscal years showed the school in strong financial standing with no audit findings or an on-going concern.<sup>14</sup> Furthermore, while discussing the school's financial standings in the capacity interview, the school leaders echoed the district's reports, stating that they have never missed a financial obligation and are always meeting budgets and fiscal deadlines.

According to City University Boys' charter school renewal application, one of the financial goals for the school was to move into a new facility which would comfortably house all four of the City University schools on one campus. With the help of their sponsor, The Influence1 Foundation, City University was able to obtain \$3.6 million loan to acquire a 140,000 square foot facility on a thirteen acre campus.<sup>15</sup> Using the per-student BEP facility payment provided by the state, City University has been able to make each of its mortgage payments and plans to have the facility paid off completely within the next five years.

Through the renewal record and the capacity interview, the review committee found evidence for a strong financial standing for the school and the network which meets or exceeds the standard for Financial Health.

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<sup>12</sup> City University School Boys Preparatory Renewal Application, Section III – Financial Health

<sup>13</sup> SCS-Authorized Charter Schools Annual Report, January 2018

<sup>14</sup> FY2016-17 Charter School Fiscal Oversight Report, City Boys Prep 6-8

<sup>15</sup> City University School Boys Preparatory Renewal Application, Section III – Financial Health



## **Analysis of the Future Planning**

*Rating: Does Not Meet Standard*

### **Weaknesses Identified by the Committee:**

City University Boys' Future Planning does not meet the standard because of a lack of evidence that the school will achieve its academic goals in a new charter term. As stated in the scoring rubric, a school's goals and plans for goal achievement must be "rigorous, measurable and attainable" with "comprehensive and realistic" plans to address any past academic deficits. The future planning document presented by City University Boys in their charter school renewal application did not meet these standards and therefore did not provide the review committee with evidence that their goals, if renewed, were likely to be achieved.

The Tennessee Department of Education's charter school renewal application requests that applicants "provide an overview of the charter school's future goals and plans for goal achievement" including plans for "academics and updated academic benchmarks" and a "plan for addressing any past academic deficits".<sup>16</sup> Included within the renewal application, City University Boys submitted a "Continued Success Action Plan" for the 2017-18 school year. Within the plan, several goals, action steps, and implementation descriptions were included. However, the review committee was unable to determine which goals were specific to the middle school, how the academic goals would be measured, and how the action plan would translate beyond the 2017-18 school year. When asked for more specifics regarding the school's academic goals for the next charter term, the leadership team explained their goal of a 10% increase on the percentage of on-track or mastered on the TNReady in each subject each year as well as boosting ACT scores at the high school level. While a growth goal is important, the goals in totality lacked specificity and presented no clear evidence of data analysis to track progress and adjust goals in the future. Additionally, the review committee did not have clear evidence for how the school would respond if they did not meet their target goals. As a result, the review committee found an absence of sufficient evidence that the goals outlined in the "Continued Success Action Plan" were likely to be achieved.

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<sup>16</sup> Tennessee Department of Education's Charter School Renewal Application, pg. 6.



## Evaluation Team

**Ali Gaffey** serves as the Deputy Director of Charter Schools for the Tennessee State Board of Education. In this role, Ali oversees the charter school appeals process in addition to several other authorization duties of the State Board. Prior to joining the State Board staff, Ali was the 7<sup>th</sup> and 8<sup>th</sup> grade Academic Dean at STEM Prep Academy, a charter school serving our largely immigrant population in Southeast Nashville. Ali is a former middle and high school English teacher and a 2009 Greater New Orleans Teach For America alum with ten years of experience in education. Ali has taught and led in charter schools in Nashville and New Orleans and loves the innovative opportunities charter schools provide. Ali earned her B.A. at the University of Florida.

**Nick Getschman** is the Executive Director at Veritas College Preparatory Charter School. Veritas College Prep is a public charter school in South Memphis serving scholars in grades sixth through eighth. A member of the 2006 Teach For America charter corps in Memphis, Nick taught and coached in Memphis City Schools before joining Veritas in 2010 as a founding science teacher. He holds a Bachelor of Science degree in Exercise Science from The University of Iowa.

**Tess Stovall** serves as the Director of Charter Schools for the Tennessee State Board of Education. In this role, she manages the charter school application process and authorization duties of the State Board, and she was a member of the 2015 National Association of Charter School Authorizer's Leaders Program. Prior to joining the staff of the board, she served as the Transformation Facilitator at Cameron Middle School, the first district-led conversion of a traditional public school to a charter school in Metropolitan Nashville Public Schools. While in Washington, DC, Tess worked for Congressman Jim Cooper (TN-05) and a centrist think tank, Third Way, on economic and education policy. She is a Phi Beta Kappa graduate of The George Washington University earning a Bachelor of Arts Degree in Political Science and Sociology and a graduate of the London School of Economics with a Master of Science Degree in Political Sociology.

**Brett Turner** manages the policy and research work at Tennessee SCORE to ensure that the organization's recommendations are informed by research and national best practice. Prior to joining SCORE, Brett led the blended and personalized learning efforts at both the New Mexico Public Education Department and Tennessee Department of Education. Brett earned a bachelor's degree in business administration from Texas A&M University and a master's degree in public policy from the University of Texas at Austin.

**Teneicesia White** is the instructional leader at Aurora Collegiate Academy. Aurora Collegiate Academy is a tuition-free public elementary school serving students in kindergarten through fifth grade in South Memphis. Previously, Teneicesia served as the Dean of Students at Aurora. A former social studies teacher and district instructional coach for Memphis City and Shelby County schools, she holds a Bachelor of Arts degree from University of Memphis, a Master's in Education from Union University, and an Educational Specialist degree from Cambridge College. She is a wife, mother and woman of Alpha Kappa Alpha Sorority, Incorporated.

## **Exhibit B**

### **Shelby County Schools Appeal Hearing Presentation**



# City University Boys Appeal Hearing

# RENEWAL PROCESS BACKGROUND



Shelby County Schools is guided by the Tennessee State Board of Education Policy 6.111 Quality Authorizing Standards. Standard 5 states:

*A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.*

## School Performance Scorecard

	2010-12	2013-15	2016-18 (2yr)
<b>Overall</b>	<b>3.25</b>	<b>2.59</b>	<b>2.44</b>
<b>Achievement</b>	2.50	2.00	1.75
<b>Growth</b>	4.00	2.48	2.19
<b>Climate</b>	n/a	4.00	4.33

## Academic Achievement Goals from City University Boy's Initial Charter Application:

- To increase performance in academic areas as indicated on state and national standardized tests as to allow at least 80% of our scholars to achieve proficiency.
- To develop reading skills to allow at least 75% of our scholars to read at or above grade level.

	Achievement							
	Proficient + Advanced						On Track + Mastered	
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2016-17	2017-18
ELA	20.0%	24.0%	25.0%	12.7%	16.4%	31.8%	15.9%	12.3%
Math	0.0%	3.0%	9.0%	18.3%	6.4%	25.8%	10.1%	9.2%
Science	9.8%	19.8%	36.0%	22.2%	38.2%	60.6%	23.2%	27.7%
Social Studies	52.5%	59.4%	53.2%					7.7%

Release Year	State Designation
2013	Cusp List
2014	Priority School List & slated to be closed
2015	Cusp List
2016	No list was provided by the State due to testing complications.
2017	Cusp List

Priority School List: a list that identifies schools based on a three year success rate that would have been identified as in the bottom 5 percent of schools in the state

Cusp List: schools in the bottom 10 percent of schools in the state.

Compared to other schools in SCS, City Boy's did not rank at or above the 25<sup>th</sup> percentile when comparing School Performance Scorecard results with other SCS or only SCS charters over the last 5 years.

Year	Overall SPS Level	All K8 SCS Ranking	All K8 SCS Percentile	Charter Only K8 Ranking	Charter Only K8 Percentile
2016 - 2018 (2-year)	2.44	116/145	20.00	25/30	16.67
2013 - 2015 (3-year)	2.59	126/154	18.18	21/26	19.23
	Achievement Level	All K8 SCS Ranking	All K8 SCS Percentile	Charter Only K8 Ranking	Charter Only K8 Percentile
2016 - 2018 (2-year)	1.75	127/145	12.41	24/30	20.00
2013 - 2015 (3-year)	2.00	136/154	11.69	21/24	12.50
	Growth Level	All K8 SCS Ranking	All K8 SCS Percentile	Charter Only K8 Ranking	Charter Only K8 Percentile
2016 - 2018 (2-year)	2.19	121/145	16.55	25/30	16.67
2013 - 2015 (3-year)	2.48	121/157	22.93	20/26	23.08